

Town of

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Paul M. Formica
First Selectman



East Lyme

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Chairmen:

Thank you on behalf of the Town of East Lyme and COST for the opportunity to testify on Raised Bill 311, an Act Concerning Constables and the CT State Resident Trooper Program.

I have been working on this issue since May 2009 when I received the revised contract from the Department of Public Safety regarding our two (2) year renewal of the Resident Trooper Program. I recognized that a conflict existed with the contract language and our local constables operating agreement. Since that time, this and other issues have been discussed with many people including COST, other Mayors and First Selectmen, Legislators including Senator Stillman and Representative Jutila of this Committee, upper management of the Department of Public Safety including Commissioner Danaher and members of the Attorney General's Office including Mr. Blumenthal.

At issue is the lack of consideration in the language in the State's Contract pertaining to recognizing municipal local operating agreements with our constables. This is an issue that is particular to those Resident Trooper communities that have unionized constables. As this committee is well aware, there are basically two types of Resident Trooper towns; one with State Police Troopers acting as the policing service and the other are towns where the troopers act as Resident Trooper Supervisors for a constabulary which are typically unionized. East Lyme is a community of 18,000 with a

Resident Trooper Sergeant overseeing a constabulary of 21 full time officers and 2 part time officers. As First Selectman, I act as Administrative Chief of Police

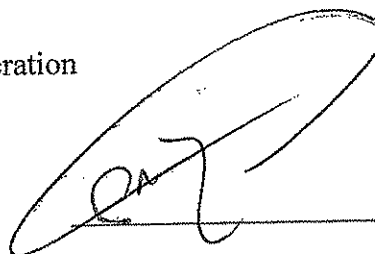
Bill 311 will provide for exactly what I have been asking the Department of Public Safety to change and I hope they will adopt prior to the enactment of Bill 311.

- On January 29, 2010, after I met over one half dozen times on this issue, the Town of East Lyme's labor counsel, at considerable expense to the Town's Taxpayers, met with counsel for the Department of Public Safety and the Attorney General's office to discuss proposed revisions to the A & O Manual and the Resident State Trooper Contract.
- Our counsel furnished the Department of Public Safety and Attorney General's office with a memorandum of proposed revisions to the Resident State Trooper Contract. Since then, the Department of Public Safety has furnished us with a counterproposal concerning our proposed revisions.
- Our chief concern is that the A & O Manual and Resident State Trooper Contract, as drafted, do not account for conflicts with the Connecticut Municipal Employee Relations Act and applicable collective bargaining agreements between the local constables and their bargaining representatives. The A & O Manual and Resident State Trooper Contract set forth various mandates that may potentially conflict with obligations set forth in applicable CBAs or mandatory subjects of bargaining, thus putting the Town in a position where it may violate MERA and commit a municipal prohibited practice by choosing to comply with the A & O Manual when it conflicts with affirmative obligations set forth under applicable CBAs.

- At this point, our labor counsel has been negotiating with the Department of Public Safety certain changes that it hopes will resolve the issue of the A & O manual conflicting with applicable CBAs and MERA. There has not been a resolution of the issue as of yet, but we are confident that going forward we will be able to reach a timely resolution of this matter. We have not signed our contract yet and support Bill 311 to assist in moving that process along.
- Other issues that concern Resident Trooper towns include billing of fringe benefits on straight time at 59% and then again at 57% on overtime.
- We support the continuance of Resident Trooper towns paying 70% of expenses per CT State Statute 29.5.
- We are working on a regional Resident Trooper model for consideration of this committee and the Department of Public Safety. A model we think will save money for both the State and participating towns.

In conclusion, the Town of East Lyme, COST and my colleagues across the state support the continuation of the Resident Trooper Program and will commit to its improvement for the betterment of public safety across Connecticut.

Thank you to the Committee for its consideration

A handwritten signature in black ink, appearing to read 'P. Formica', is written over a horizontal line.

Paul M. Formica, First Selectman
Town of East Lyme, CT